

**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Petition for Early
Termination of Probation of:

OAH No. 2010090310

DEBRA DRISCOLL,

LVN No. VN 233466

Petitioner.

DECISION

This matter was heard by a quorum of the Board of Vocational Nurse and Psychiatric Technicians on September 15, 2010, in Los Angeles, California. Administrative Law Judge Humberto Flores from the Office of Administrative Hearings presided.

M. Travis Peery, Deputy Attorney General, represented the California Department of Justice.

Debra Driscoll (Petitioner) appeared personally and represented herself.

Evidence was received and the matter was submitted for decision. The Board of Vocational Nursing and Psychiatric Technicians (Board) finds as follows:

FACTUAL FINDINGS

1. On or about November 3, 1982, the Board issued Vocational Nurse License No. 112279 to Petitioner.
2. In 1999, the Executive Officer of the Board filed an Accusation (Case No. 6145) against Petitioner alleging that Petitioner engaged in unprofessional conduct under Business and Professions Code sections 2878 and 2878.5, in that she falsified and/or made grossly incorrect or grossly inconsistent entries in hospital and patient records by signing out 100 mg. of Demoral for three patients without a physician's order. Petitioner also obtained various controlled substances by fraud and misrepresentation by signing the drugs out for administration to patients, then taking the drugs for her personal use, in violation of Health and Safety Code section 11173, subdivision (a).

3. By Decision adopting a Stipulated Settlement and Disciplinary Order in Case No. 6145, effective June 8, 2000, the Board revoked Petitioner's Vocational Nurse License. However, the order of revocation was stayed and Petitioner was placed on probation for three years on certain conditions. The basis for the above Disciplinary Order was Petitioner's admission of all of the allegations in the Accusation.

4. On March 28, 2003, the Executive Officer of the Board filed a Petition to Revoke Probation because Petitioner violated numerous terms and conditions of her probation. In a Default Decision dated October 22, 2003, the Board revoked Petitioner's Vocational Nurse License. Petitioner filed a Motion for Reconsideration, which was denied by the Board on December 18, 2003. The revocation of Petitioner's license became effective on December 20, 2003.

5. In a Decision effective June 22, 2007, the Board reinstated Petitioner's Vocational Nurse License based on its finding that Petitioner presented sufficient evidence of rehabilitation such that the public would be adequately protected by reinstating her license on a probationary basis. A new license number, VN 233466, was issued on April 5, 2008, on certain terms and conditions. Petitioner was late in submitting three quarterly reports, but has otherwise complied with all terms and conditions of her probation.

6. On or about May 24, 2010, Petitioner filed a Petition for Early Termination of Probation with the Board. She is asking the Board to terminate her probation so that she might be able to work for a registry, which would increase her work hours.

7. Petitioner has worked hard to maintain her sobriety. She has a good support system in place, which includes her friends, family, her church and her participation in Alcoholics Anonymous (AA). In addition, Petitioner has performed well in her LVN position with UMMA Community Clinic in Los Angeles. Her testimony is supported by the letters of reference she submitted to the Board.

LEGAL CONCLUSIONS

Cause does not exist under Business and Professions Code section 2878.7 to grant the Petition for Early Termination of Probation submitted by Petitioner. The fact that Petitioner has maintained her sobriety and has performed well in her employment indicates that Petitioner continues to rehabilitate herself. The Board recognizes her efforts. However, in considering the facts and circumstances of this case, as well as Petitioner's history of violating a previous probationary order in 2003, the Board finds that a probationary license remains the appropriate vehicle to insure the public protection.

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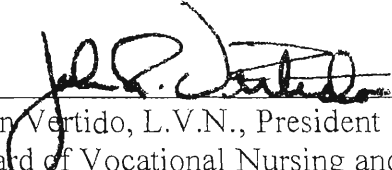
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ORDER

The Petition for Early Termination of Probation submitted by Debra Driscoll is denied.

DATED: December 9, 2010

EFFECTIVE DATE: December 24, 2010



John Vertido, L.V.N., President
Board of Vocational Nursing and
Psychiatric Technicians